

AGRICULTURAL LABOR RELATIONS BOARD

**EMPLOYER'S RESPONSE TO PETITION FOR DECERTIFICATION**

Instructions: The requirements for an Employer's Response to a Petition for Decertification are set out in Section 20310 of the ALRB Regulations. **PLEASE USE THIS FORM FOR YOUR RESPONSE.** This will facilitate the processing of the petition and the resolution of any issues with regard to the validity of the petition. An employer who is served with a copy of a Petition for Decertification shall provide to the regional office in which the petition is filed, or an alternative place as provided by Section 20310(c), **a completed copy of this form** and the additional documents and information stated herein. (Information to be attached is indicated by \*). The Response and all supplemental information shall be provided within 48 hours of the of the Petition for Decertification.

1. Employer's full and correct legal name, address and telephone number:
2. Description of the legal entity, e.g., partnership, corporation, sole proprietorship:
3. Name, address, telephone number, location and title of a person within the employer's organization who is authorized to accept service of papers for the employer. The same person shall be one authorized to make agreements with the Board and the parties regarding the petition unless another representative of the employer is designated in part 4.
4. Name, address and telephone number of an attorney or other representative of the employer, if any:

5. Are the following allegations made in the Petition for Decertification correct?

(a) No valid election pursuant to Labor Code Section 1156.3(c) has been conducted among the agricultural employees of the employer within 12 months.

Correct ☐      Incorrect ☐

If incorrect, date of election \_\_\_\_\_

(b) The certified labor organization has a collective bargaining agreement with the employer that will expire within the next 12 months.

Correct ☐ Incorrect ☐

If incorrect, date of expiration: \_\_\_\_\_

Labor Organization certified: \_\_\_\_\_

\*(c) If a collective bargaining agreement exists, **ATTACH** a copy.

6. (a) Does the certified unit in the Petition for Decertification include all the employer's agricultural employees in California?

Yes ☐ No ☐

If no, describe locations of other agricultural employees of the employer:

(b) Are the agricultural employees of the employer employed in two or more non-contiguous geographical areas?

Yes ☐ No ☐

If yes state locations:

(c) Does the employer have any packing or cooling sheds?

Yes ☐ No ☐

If yes, are they located on or off the farm property where agricultural employees work?

(d) Does the employer agree that the certified unit in the Petition for Decertification is appropriate? Yes ☐ No ☐

If no, describe the unit the employer contends is appropriate:

(e) What agricultural commodities are involved in the work of employees in the bargaining unit which the employer contends is appropriate?

7. What is the duration and timing of the payroll period under which employees in the certified unit are paid, e.g., daily, weekly, or bimonthly payroll.

If weekly or bimonthly, on which day of the week or which dates in the month does each new payroll period end?

\*If employees in the certified unit are paid on more than one payroll period, state the duration and timing of each payroll and **ATTACH** a list showing which employees are on each pay schedule:

8. (a) How many employees were employed in the payroll period immediately preceding the filing of the Petition for Decertification, that is, during the last payroll period that ended before the date of filing of the Petition?

\***ATTACH** a copy of the employer's original payroll records which show the names of employees employed each day during the payroll period immediately preceding the filing of the Petition and the hours worked by each employee or, if employment is on a piece-rate basis, the number of units credited to each employee.

(b) What are the dates of the payroll period which the employer contends was or will be its peak payroll period for the calendar year?

(c) How many employees were or will be employed in that payroll period?

(d) Does the employer agree that the number of employees employed in the payroll period immediately preceding the filing of the Petition for Decertification is at least 50 percent of the employer's peak employment for the calendar year?

Yes ☐ No ☐

(e) If the employer contends that the petition has been filed when it is at less than 50% of its peak employment, provide the Regional Director with 1) a detailed explanation of how it calculates such peak employment and 2) payroll records showing the number of employees employed each day, and the number of hours such employees worked, during the previous peak payroll period, as well as any crop and acreage statistics and other information relevant to the determination of its peak employment needs. The Regional Director shall have the discretion to require the employer to provide payroll records and/or crop and acreage statistics for up to three years prior to the filing of the petition.

\*9. **ATTACH** a complete and accurate list of the complete and full names and current street addresses (no postal addresses will be accepted) and job classifications of all agricultural employees, including employees hired through a labor contractor, in the certified unit in the payroll period immediately preceding the filing of the Petition. The list shall also include the names, current street addresses (no postal addresses will be accepted) and job classifications of persons working for the employer as part of a family or other group for which the name of only one group member appears on the payroll.

\*If the employer contends that the certified unit is inappropriate, the employer shall **ATTACH**, in addition to the list described above, a complete and accurate list of the complete and full names and current street addresses (no postal addresses will be accepted) and job classification of all agricultural employees, including labor contractor employees and family group employees, in the unit the employer contends is appropriate for the payroll period immediately preceding the filing of the Petition.

10. Names, addresses and telephone numbers of all labor contractors who supplied labor to the employer during the payroll period immediately preceding the filing of the Petition and during the payroll period which the employer contends was its peak employment period: (If none, so state)

11. Which languages other than English and Spanish should be used on the ballots in any election which may be conducted pursuant to the Petition for Decertification?

For each additional language requested, approximately how many employees can effectively read only that language?

I declare under penalty of perjury that I have read this Response to Petition for Decertification and that the statements contained herein and the information contained in attached lists and documents is true and correct.

By \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Representative or person filing response

Title:

Address:

Phone Number: